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ABSTRACT

This paper describes highlights of the Individuals with Disabilities Education Act (IDEA) that have a high impact on the delivery of special education services. IDEA's eight parts are outlined, and then two parts are discussed in more detail: (1) Part B, which authorizes federal grants to states to help underwrite the costs of educating children with disabilities and sets out the conditions states must meet to qualify for these grants; and (2) Part H, which provides grants to states for children from birth to 2 years of age who have developmental delays, have conditions that typically result in delay, or are at risk of substantial developmental delay. Components of an Individualized Education Program, an Individualized Family Services Plan, and a Transition Services Plan are listed. Nine print or organizational resources are also listed. (JDD)

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ERIC CLEARINGHOUSE ON HANDICAPPED AND GIFTED CHILDREN

ERIC/OSEP SPECIAL PROJECT ON INTERAGENCY INFORMATION DISSEMINATION

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Legal Foundations
Number 2

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The Individuals with Disabilities Education Act (IDEA)

IDEA, formerly the Education of the Handicapped Act (EHA), is the comprehensive law articulating federal policy concerning the education of and early intervention for infants, toddlers, children, and youth with disabilities. It sets forth requirements regarding the provision of early intervention, special education, and related services and establishes model and demonstration programs, personnel preparation support, research, and information centers. IDEA includes such well-known legislation as P.L. 94-142, The Education for All Handicapped Children Act of 1975; P.L. 99-457, the 1986 amendments that support early intervention services; and P.L. 101-476, the 1990 amendments that include transition services. The name of this act was changed by the 1990 amendments, which also changed its wording to reflect "people first" language and to use the word *disability* rather than *handicap*. Although there is much more to IDEA than can be included here, this issue of *Legal Foundations* will describe some of the highlights of the law that have a high impact on the delivery of special education services.

THE EIGHT PARTS OF IDEA

IDEA consists of the following eight parts:

Part A states the goals of the Act, provides definitions of its terms, and mandates the existence of an Office of Special Education Programs within the U.S. Department of Education. The goals of the Act are as follows:

- To assure that a free, appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs is available to all children with disabilities.
- To assure that the rights of children with disabilities and their parents or guardians are protected.
- To assist states and localities to provide for the education of all children with disabilities.
- To assess and ensure the effectiveness of efforts to educate children with disabilities.

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Part B authorizes grants to states to help underwrite the costs of educating children with disabilities and sets out the conditions states must meet to qualify for these grants. Part B presently provides over $2 billion to state and local educational agencies annually.

Part C authorizes the federal and regional resource centers that provide technical assistance and training to state education agencies; grants and contracts in the education of children who have severe disabilities, who are deaf and blind, and who have severe emotional disturbances; and grants and contracts in the areas of early childhood education, secondary education and transition services, and postsecondary programs.

Part D authorizes grants designed to improve the quality and supply of special education personnel; assist state educational agencies in establishing and maintaining preservice and inservice training programs; and establish training projects, consortia and partnerships. Grants for clearinghouses on the education of children and youth with disabilities and grants for parent training are also included under Part D.

Part E authorizes research and related activities for advancing and improving the knowledge base and improving the practice of professionals and others providing early intervention and special education and related services.

Part F supports the development and distribution of instructional media and captioned films.

Part G authorizes grants to public and nonprofit agencies to advance the use of new technologies, media, and materials for the education of children with disabilities and for early intervention services.

Part H sets forth criteria for the provision of early intervention services for infants and toddlers and provides funding to states to develop and expand service delivery systems.

Part B of the Individuals with Disabilities Education Act

Part B authorizes federal grants to states based on the number of children in the state with disabilities, 3 to 21 years of age. This number is multiplied by 40% of the national average per pupil expenditure to determine a state's entitlement. While funding is presently $2 billion, the authorized level of funding has never been achieved. Additional per capita grants for preschool children with disabilities of ages 3 to 5 years were added to Part B as part of the 1986 amendments, P.L. 99-457.

Some of the requirements that states must meet in order to qualify for Part B grants are as follows:

The state must submit a plan, policies, and procedures for providing special education and

related services that conform to the specifications of the Act and assure children with disabilities the right to a free, appropriate public education.

Local education agencies in the state must maintain an individualized education program (IEP) for each child with a disability. The IEP must include specific components (see Figure 1) and be reviewed at least annually.

The state must have procedures and safeguards for integrating children with disabilities into regular educational environments to the maximum extent appropriate, as well as procedures for testing and evaluation that are culturally and racially nondiscriminatory.

The state or local agencies must provide an opportunity for due process hearings to parents who have complaints about their child's education. The rights of the parents at these hearings are specified.

The state education agency is responsible for ensuring that its state plan is carried out, and it must also ensure that all educational programs in the state are under its supervision and meet its standards. State agencies are required to pass through to local agencies at least 75 percent of their allotments of Part B funds.

Local districts must apply to their state education agencies to qualify for federal support. They must make certain assurances and meet specific requirements. For example, they must assure that the federal funds will be used exclusively to pay the excess costs attributable to the education of children with disabilities and that all children with disabilities within the district will be identified, located, and evaluated. They must establish a goal of providing full educational opportunities to all children with disabilities and a detailed timetable for accomplishing this goal. Other requirements also apply. If a local agency or intermediate unit fails to meet these requirements, the state education agency is authorized to withhold federal funds.

Each child's IEP must include the following components:

A statement of the child's current educational performance levels.

Annual goals and short-term objectives.

A description of the specific special education and related services to be provided.

A statement of the extent to which the child will be able to participate in regular education programs.

The date on which services will begin and their anticipated duration.

Appropriate objective evaluation criteria and evaluation procedures and schedules for determining, at least annually, whether the short-term objectives are being achieved.

A statement of transition services needed by students who are 16 or over; when individually appropriate, for students who are 14 or over.

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Figure 1. Components of an Individualized Education Program (IEP)

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The Early Intervention Program (Part H)

Part H provides grants to states for children from birth to 2 years of age who have developmental delays, have conditions that typically result in delay, or are at risk of substantial developmental delay.

Grants under this program support the planning, development, and implementation of comprehensive multidisciplinary, interagency systems to provide services. Funds may also be used to expand and improve services, but they may not be used for the direct provision of services unless there are no other resources, public or private, that can be used.

To qualify, a state must establish a State Interagency Coordinating Council and demonstrate progress toward developing a comprehensive, multidisciplinary early intervention system. Some of the components of a comprehensive system include the following:

A definition of the term "developmentally delayed" to be used for determining eligibility.
Multidisciplinary evaluations of the needs of children with disabilities and their families.
An individualized family services plan (IFSP) for each eligible child (see Figure 2).
A comprehensive "child find" system.
A central directory of early intervention services.
A comprehensive system of personnel development (CSPD).
A designated lead state agency to administer the program and interagency agreements.
Procedures for resolving complaints.

All early intervention services must be provided at no cost to parents except where federal or state law provides for a schedule of sliding fees.

The IFSP must include the following components:

A statement of the infant or toddler's present levels of development (physical, cognitive, speech/language, psychosocial, motor, and self-help).

A statement of the family's strengths and needs related to the child's development.

A statement of major outcomes expected to be achieved for the child and the family.

The criteria, procedures, and timelines for determining progress.

The specific early intervention services necessary to meet the unique needs of the child and family, including the frequency, intensity, and method of delivering services.

The projected dates for the initiation of services and expected duration of those services.

The name of the case manager (i.e., the service coordinator).

Procedures for transition from early intervention into the preschool program.

Figure 2. Components of an Individualized Family Services Plan

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The 1990 Amendments, P.L. 101-476

P.L. 101-476 included several other amendments. Perhaps the most substantive change was a requirement to include a statement of needed transition services in students' IEPs beginning at age 16 (age 14 when individually determined to be appropriate) and annually thereafter. These statements are to include, where appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting. Some examples of components of a transition plan are shown in Figure 3.

Transition services are defined as

> a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing adult education services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

CONCLUSION

The federal involvement in special education over the years has expanded the funding and scope and increased the effectiveness of special education. As our knowledge and understanding of special education grows, it is anticipated that future amendments to IDEA will continue to increase the benefits that accrue to our young people and society at large.

A statement of transition services needed (e.g., career planning, self-advocacy, social life, community participation, postsecondary training, leisure, advocacy/legal services, daily living, physical care).

Annual goals in each service area.

Objectives designed to meet the annual goals.

Statements of educational and related services needed to enable the student to meet the goals and objectives.

A statement of interagency responsibilities and linkages, including
- o agency,
- o purpose,
- o contact persons, and
- o time by which the responsibility or linkage must be established.

Figure 3. Examples of Components of a Transition Services Plan

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